

8-19-04

PATENT
674580-2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : CARLTON ET AL.

U.S. Serial No.: 10/714,161

Filed : NOVEMBER 14, 2003

For : RECEPTOR

Art Unit : 1614

745 Fifth Avenue
New York, NY 10151

EXPRESS MAIL

Mailing Label Number: EV 468996148 US

Date of Deposit: August 18, 2004

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**COMMUNICATION FORWARDING PREVIOUSLY FILED PRELIMINARY
AMENDMENT IN RESPONSE TO NOTICE TO FILE MISSING PARTS**

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is being in response to the Notice to File Corrected Application Papers mailed June 2, 2004, and is further to the Preliminary Amendment in Response to Notice to File Missing Parts mailed May 25, 2004. It is respectfully believed that the Notice was issued in error. To the extent that an extension of time is required for entry of this paper, Applicants hereby request that the period for reply be extended one month, i.e. up to September 2, 2004. Should such an extension of time be required, the Commissioner is hereby authorized to charge the required fee therefore, or to credit any overpayment in fees, to Deposit Account 50-0320.

It is respectfully submitted that the Notice to File Corrected Application Papers was unnecessary and should be withdrawn as the May 25, 2004 Amendment provided both the drawings and computer readable and paper copy of the sequence listing that were required by the Notice. Accordingly, it is believed that the Notice should be withdrawn.

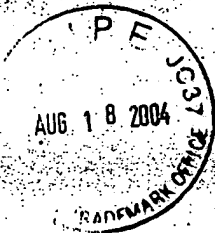
As a courtesy, enclosed herewith is a copy of the Preliminary Amendment in Response to Notice to File Missing Parts, Drawings, computer readable and paper copy of the sequence listing, as well as a copy of the return receipt postcard showing that these papers were received by the Office of Initial Patent Examination on May 25, 2004.

Accordingly, reconsideration and withdrawal of the Notice, and a prompt examination on the merits, is respectfully requested.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

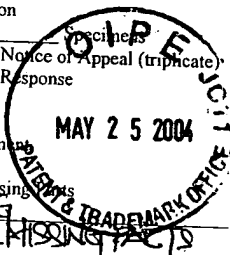
By: Thomas J. Kowalski by Angela M. Collison
Thomas J. Kowalski
Reg. No. 32,147
Angela M. Collison
Reg. No. 51,107
(212) 588-0800



Serial No. 10/714.161 File No. 674580.2004 By TJK/SL
Title in the Matter of the Application of RECEPTIC
Applicant(s)/Inventor(s) CARLTON ET AL
The following due _____ in the U.S. Patent Office, was received in the Patent Office
☐ Affidavit ☐ Declaration ☒ Express Mail Mailing Label # EV385415450JS
☐ Amendment ☐ (separate sheet)
☒ Preliminary Amendment IN RESPONSE TO ☒ Check No. 31544 for \$ 110.00
NOTICE TO FILE MISSING PARTS. ☒ Deposit Account Order Form
☐ Request for Extension of Time ☒ Drawing 5 Sheet(s) (FIGS 1-5)
☐ Provisional Patent Application ☐ Information Disclosure Statement
☐ Application for Patent, including ☐ PTO Form 1449
____ Pages Specification ____ Claims ____ Abstract
☐ Declaration ☐ Oath ☐ Power ☐ Issue Fee/Publication Fee Transmittal
☐ Request for Filing Continuation or Divisional ☐ Appeal Brief (triplicate) ☐ Letter
Application ____ sheets ☐ Application for TM Registration
Including ____ Specimens
☐ PCT Request ____ sheets, including ☐ Status Request ☐ Notice of Appeal (triplicate)
☐ Transmittal Letter ☐ Petition ☐ Response
☐ Request for Continued Exam (RCE) ☐ Priority Document
☐ Assignment ☐ Recordation Cover Sheet ☐ Statement of Use
☐ Amendment Fee Transmittal ☐ Response to Examiner's Statement
☐ Claim of Priority ☐ Search Report
☐ Request for Approval of Drawings ☐ Response to Notice to File Missing Parts
☒ Diskette with Sequence Listing ☒ SEQUENCE LISTING
☒ COPY NOTICE TO FILE MISSING PARTS
MAILED: 5.25.04

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Serial No. 10/714.161 File No. 674580.2004 By TJK/SL
Title in the Matter of the Application of RECEPTIC
Applicant(s)/Inventor(s) CARLTON ET AL
The following due _____ in the U.S. Patent Office, was received in the Patent Office
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NOTICE TO FILE MISSING PARTS. ☒ Deposit Account Order Form
☐ Request for Extension of Time ☒ Drawing 5 Sheet(s) (FIGS 1-5)
☐ Provisional Patent Application ☐ Information Disclosure Statement
☐ Application for Patent, including ☐ PTO Form 1449
____ Pages Specification ____ Claims ____ Abstract
☐ Declaration ☐ Oath ☐ Power ☐ Issue Fee/Publication Fee Transmittal
☐ Request for Filing Continuation or Divisional ☐ Appeal Brief (triplicate) ☐ Letter
Application ____ sheets ☐ Application for TM Registration
Including ____ Specimens
☐ PCT Request ____ sheets, including ☐ Status Request ☐ Notice of Appeal (triplicate)
☐ Transmittal Letter ☐ Petition ☐ Response
☐ Request for Continued Exam (RCE) ☐ Priority Document
☐ Assignment ☐ Recordation Cover Sheet ☐ Statement of Use
☐ Amendment Fee Transmittal ☐ Response to Examiner's Statement
☐ Claim of Priority ☐ Search Report
☐ Request for Approval of Drawings ☐ Response to Notice to File Missing Parts
☒ Diskette with Sequence Listing ☒ SEQUENCE LISTING
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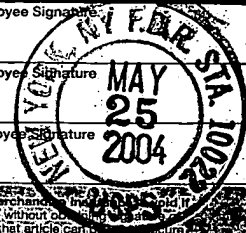


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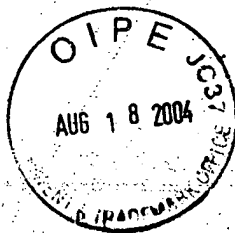
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674580 2004

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5.25.2004

11-210428

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THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

FROMMER LAWRENCE & HAUG LLP

APPLICANT

SERIAL NO.

TITLE

CARLTON ET AL
674580
RECEIPT

FL & H DOCKET NO.

674580 2004

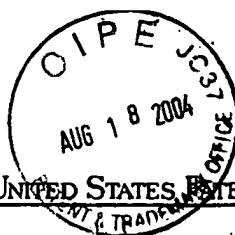
- ☐ APPEAL BRIEF
☐ APPEAL FEE
☐ CERTIFICATE OF CORRECTION
☐ DISCLAIMER
☒ EXTENSION OF TIME
☐ FEE FOR ADDED CLAIMS
☐ FILING FEE
☐ ISSUE FEE
☐ MAINTENANCE FEE
☐ MISSING PARTS
☐ NOTICE OF OPPOSITION

- ☐ PETITION FEE
☐ PETITION FOR CANCELLATION
☐ PETITION TO REVIVE
☐ RECORDING FEE
☐ REQUEST FOR ORAL HEARING
☐ SEC. 8 TM DECLARATION FEE
☐ STATEMENT OF USE
☐ TM RENEWAL

(PLEASE CHARGE ANY ADDITIONAL FEES OR CREDIT OVER PAYMENT TO DEPOSIT ACCOUNT NO. 50-0320)

CHARGE TO

NAME OF CLIENT OR ACCOUNT	FILE NO.	ATTORNEY	AMOUNT
D. Young	674580 2004	T. Kowalski	\$ 110.00
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UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/714,161	11/14/2003	Mark Carlton	674580-2004

CONFIRMATION NO. 2908

20999
 FROMMER LAWRENCE & HAUG
 745 FIFTH AVENUE- 10TH FL.
 NEW YORK, NY 10151

FORMALITIES LETTER



OC000000012847994

Date Mailed: 06/02/2004

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) 3,4,5.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216

- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
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Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



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 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/714,161	11/14/2003	Mark Carlton	674580-2004

CONFIRMATION NO. 2908

20999
 FROMMER LAWRENCE & HAUG
 745 FIFTH AVENUE- 10TH FL.
 NEW YORK, NY 10151

FORMALITIES LETTER



OC000000011967430

Date Mailed: 02/25/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) 3, 4 & 5.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
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- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

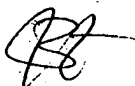
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
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